

EXHIBIT F

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----X
CHAD STANBRO,

4 PLAINTIFF,

5
6 -against-

Case No.:
19-CV-10857

7
8 WESTCHESTER COUNTY HEALTH CORPORATION,
WESTCHESTER MEDICAL CENTER, FRANK WEBER,
AND JOHN FULL,

9 DEFENDANTS.

10 -----X
CHAD STANBRO,

11 PLAINTIFF,

12
13 -against-

Case No.:
20-cv-01591

14
15 C.O. NADYA PALOU, C.O. RAYMOND DEAL, C.O.
KRISTOPHER LEONARDO, C.O. RICHARD LANDRY,
CORRECTION NURSE GARY PAGLIARO, AND
16 CORRECTION SERGEANT ENRIQUE TORRES,

17 DEFENDANTS.

-----X

18
19 DATE: March 4, 2021

20 TIME: 2:45 P.M.

21 DEPOSITION of the Defendant,
ENRIQUE TORRES, taken by the respective
parties, pursuant to an Order and to the
22 Federal Rules of Civil Procedure, held via
videoconference, before Victoria Chumas, a
23 Notary Public of the State of New York.

1 E. TORRES

2 A. Yes.

3 Q. Anything else you wrote on that
4 report?

5 A. No.

6 Q. Now, going to item 10.

7 A. Okay.

8 Q. Do you see where it says
9 "employee remained on duty" and check off
10 of "yes?"

11 A. Yes.

12 Q. Did you check that off?

13 A. No.

14 Q. Next to that 11, where it says
15 "employee required medical attention" and
16 checked off "no." Do you see that?

17 A. Yes. I see that.

18 Q. Did you check that off?

19 A. No.

20 Q. Exhibit 30 is a three-page
21 report. Is this a use of force report that
22 you filled out, Sergeant?

23 A. Yes.

24 Q. Now, why did you fill out a use
25 of force report?

1 E. TORRES

2 A. The incident was reported to
3 me.

4 Q. Okay. As a supervisor, were
5 you required to fill out this report?

6 A. Yes.

7 Q. Now, going to page one of the
8 report, where it says, "on the above date
9 and approximate time, it was reported to me
10 an inmate, Mr. Stanbro..." and then you go
11 on. By whom was that reported to you?

12 A. This with specifically -- these
13 are different, so it depends on whose it
14 was here. This one is -- this is the
15 general summary of the incident, so when we
16 say "it was reported to me," it's the
17 summarizing of what both officers have
18 reported in writing.

19 Q. This is what Deal and Palou
20 were reporting to you, correct?

21 A. Correct.

22 Q. Let's go to page two and the
23 typewritten portion where it says,
24 "describe in detail the actual force used."
25 Do you see that section?

1 E. TORRES

2 anyone ever tell you that Mr. Stanbro,
3 other than that incident where he stood up
4 and attempted to strike someone, that Mr.
5 Stanbro fell out of the dental chair, or
6 threw himself to the floor from the dental
7 chair, or rolled out of the dental chair
8 onto the ground?

9 MS. COLLINS: Objection. You
10 can answer.

11 A. I don't recall that
12 specifically.

13 Q. Do you recall it in a general
14 sense?

15 A. Rolled out, fell out, no.

16 Q. Okay. Is this the first you
17 are hearing about that?

18 MS. COLLINS: Objection. You
19 can answer.

20 A. Yes.

21 Q. Okay. Now, the mention of the
22 video in the revised memorandum, what video
23 were you talking about there?

24 A. Video regarding of transport is
25 the actual handheld videocamera. I could

1 E. TORRES

2 have been more specific there.

3 Q. That's okay.

4 A. Yeah. Handheld videocamera was
5 authorized by, honestly, to tell you, I
6 don't know who. Maybe it was coming from
7 the higher-ups because there was a serious
8 use of force or a of use of force on the
9 outside, the inmate was combative, as
10 reported, and assaulted -- they require the
11 transport thereafter to be recorded and
12 transported with the escort of a
13 supervisor.

14 Q. Now, when you say "the
15 transport," are you talking about the
16 transport from the location where the use
17 of force took place or some other
18 transport?

19 A. This specifically is from the
20 transport of the facility of the RMU.

21 Q. Okay. So the transport
22 bringing Mr. Stanbro out of the RMU by the
23 medics to the hospital, correct?

24 A. Correct.

25 Q. And what is your understanding

1 E. TORRES

2 as to the nature of that video? What
3 portion was videotaped?

4 A. The recording should start when
5 they're in route or moving with the inmate.
6 As soon as they start to move with the
7 inmate, the recorder is supposed to come
8 on.

9 Q. When you say "as soon as they
10 start to move with the inmate," do you mean
11 as soon as EMS takes possession of the
12 inmate?

13 A. As they start to move with the
14 inmate, so anywhere that he is moved out of
15 the area, I don't recall if they started
16 recording immediately after they left the
17 emergency room or if they started recording
18 when they got outside to the front door. I
19 don't remember what point, but I do
20 understand that the recording is supposed
21 to commence once the intimate is in
22 transport.

23 Q. Okay. I am just trying to nail
24 down what you mean by "in transport." So
25 medics did come inside of the RMU, correct?

1 E. TORRES

2 A. Yes.

3 Q. And they took possession of Mr.
4 Stanbro inside of the RMU, correct?

5 A. Yes.

6 Q. They placed him on a gurney or
7 a stretcher in the RMU; is that correct?

8 A. Yes.

9 Q. And then they transported him
10 from inside of the RMU into their vehicle;
11 is that correct?

12 A. Yes.

13 Q. What is your understanding as
14 standard procedure as to when the videotape
15 is supposed to start?

16 MS. COLLINS: Objection. You
17 can answer.

18 A. I understand -- it's as they
19 begin to move the inmate, as they begin the
20 transport as it becomes mobile, as they
21 start to move physically from area.

22 Q. So are you saying as they begin
23 to move the inmate from floor up into the
24 stretcher or something else?

25 A. Something else. As they move

1 E. TORRES

2 from on the stretcher mobiley [sic] moving
3 him from that point out of the emergency
4 room area, from that point on the recording
5 is supposed to start.

6 Q. So once Mr. Stanbro is in the
7 stretcher, on the stretcher inside of RMU
8 and the EMS personnel begin to transport
9 him outside of the RMU, that is when the
10 videotape is supposed to start, correct?

11 A. If he starts to move right out
12 of the emergency room, they should start
13 recording.

14 Q. At the point that they are
15 transporting him, they are actually pushing
16 or pulling that stretcher and he is in the
17 stretcher, is that the point that the
18 videotape is supposed to start, yes or no?

19 MS. COLLINS: Objection.

20 A. Yes.

21 Q. And did you see anyone do a
22 handheld videotape of Mr. Stanbro that day?

23 A. I don't -- I remember the
24 officers, I honestly don't remember what
25 point, at what point they started to

1 E. TORRES

2 record.

3 Q. But do you remember that at
4 some point they started to record?

5 A. I honestly don't remember them
6 starting to record. I do remember that it
7 was required. I don't remember at what
8 point they started.

9 Q. And as a matter of normal
10 procedure, when does the videotape end?
11 When do they stop videotaping?

12 MS. COLLINS: Objection. You
13 can answer.

14 A. I'm not sure.

15 Q. Well, let me ask you this, did
16 an officer or officers accompany Mr.
17 Stanbro from the RMU to Saint Luke's with
18 the EMS personnel?

19 A. Yes.

20 Q. That's standard procedure,
21 correct?

22 A. Yes.

23 Q. And would at least one officer
24 ride in the ambulance or the other EMS
25 vehicle with Mr. Stanbro?

1 E. TORRES

2 A. Yes.

3 Q. And would the videotape
4 continue in route to the hospital?

5 A. Yes.

6 Q. Would it continue at any point
7 after the ambulance arrives at the
8 hospital?

9 A. I'm not quite sure if they --
10 I'm trying to think. I have never actually
11 transported to a hospital. I have
12 transported to facilities, to correctional
13 facilities. I've never transported to a
14 hospital, so I really don't know what they
15 did or when they stopped.

16 Q. Okay.

17 A. I really don't know. I mean,
18 that is a good question for me to question.

19 Q. On those occasions when you
20 have transported an inmate from a use of
21 force incident to another facility and it's
22 been videotaped, when does the videotape
23 typically end? Is it when the inmate is
24 physically delivered into the new facility?

25 A. Most occasions, yes. Most

1 E. TORRES

2 times, sometimes, you are not even -- you
3 won't even go into the facility. You drop
4 them off right outside of the gate, and
5 then they will take the inmate in. You are
6 not going to record going into the
7 facility. Most of the time, inmates that
8 are being recorded are in the special
9 housing unit, so everything is already on
10 camera.

11 Q. That's fine. Have you ever
12 seen the videotape that was taken of Mr.
13 Stanbro on that day?

14 A. No.

15 Q. Do you know if that videotape
16 still exists?

17 A. I don't.

18 Q. Do you know what the practice
19 and procedure was at Fishkill back in 2018
20 regarding the preservation of those types
21 of videotapes after use of force incident?

22 A. It becomes part of the use of
23 force package. It should have been
24 returned to watch commander's office and be
25 made a part of the whole incident.

1 E. TORRES

2 Q. And if there's an investigation
3 ongoing, the videotape is preserved at
4 least until the conclusion of the
5 investigation; is that correct?

6 MS. COLLINS: Objection.

7 A. Yes. It should be available,
8 yes.

9 MR. SIVIN: Okay. Thank you.
10 I don't have any questions.

11 MS. COLLINS: Does anyone else
12 want to inquire?

13 MR. HEINZE: I have a couple of
14 questions.

15 MS. COLLINS: Go ahead, Mark.

16 EXAMINATION BY

17 MR. HEINZE

18 Q. My name is Mark Heinze. I
19 represent Raymond Deal. How are you?

20 A. Good. Hi. How are you?

21 Q. Same instructions you heard
22 before apply to my questions as well. I
23 just want to clear up a couple of things,
24 so I will be jumping around a little bit.
25 Were you assigned as the supervisor for

1 E. TORRES

2 this use of force incident?

3 A. Yes.

4 Q. And maybe you said this, but
5 who gave you that assignment?

6 A. I was the building sergeant, so
7 it was reported to me, so the incident was
8 reported to me by the officers. I am the
9 RMU sergeant, so the incident becomes my
10 report.

11 Q. So that was just automatic
12 because you were the sergeant on duty at
13 the RMU?

14 A. Correct.

15 Q. Was this still your case?

16 MS. COLLINS: Objection. You
17 can answer.

18 Q. Well, are you still the
19 supervisor on this use of force?

20 MS. COLLINS: Objection. You
21 can answer.

22 A. Well, I am still here. Being
23 in this deposition, I'm a part of it. My
24 name is on that paperwork forever, yeah.

25 Q. I was not trying to be cleaver.

1 E. TORRES

2 directly involved if the situation and am
3 there when it actually takes place, and I
4 observed something and they write something
5 else, and I'm like, wait, this is not what
6 happened, this is not how it happened, then
7 that is different.

8 Q. You can't do it? Are you
9 saying your authority to ask for a rewrite
10 is just limited to typographical and
11 grammatical matters, or are you saying on
12 matters of substance you can also request a
13 rewrite?

14 A. In this situation?

15 Q. I'm referring to generally.
16 Just generally in terms of the practice.

17 A. Generally, once it is reported
18 to the sergeant, I report it to, forward it
19 to the lieutenant, and then it either
20 stops there it, comes back to me to have
21 the officer rewrite, or it continues up the
22 chain of command and then they might get
23 trickled back from the dep of security back
24 to the captain, all of the way back down to
25 the supervisor. But yeah, I don't see that

1 E. TORRES

2 there is -- we as sergeants are not able to
3 say to the officer that something needs to
4 be rewritten and whatever the matter,
5 whatever the case.

6 MS. COLLINS: I think we lost
7 Mark.

8 (Whereupon, a short recess was
9 taken.)

10 MR. HEINZE: Can you just read
11 back his answer?

12 (Whereupon, the referred to
13 answer was read back by the
14 Reporter.)

15 Q. So Sergeant, are you saying
16 that if there were a request for a rewrite,
17 it wouldn't come from you, it would come
18 from higher up, but may pass down through
19 you to the C.O.s?

20 A. Correct.

21 Q. Got it. Other than
22 typographical things?

23 A. Correct.

24 Q. I understand.

25 MR. HEINZE: I don't have any